

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNIVERSITY OF MASSACHUSETTS)	
and CARMEL LABORATORIES LLC,)	
)	
Plaintiffs,)	C.A. No. 17-868-CFC-SRF
)	
v.)	
)	
L'ORÉAL USA, INC.,)	
)	
Defendant.)	

**MOTION NO. 2: L'ORÉAL USA, INC.'S MOTION
FOR SUMMARY JUDGMENT OF INDEFINITENESS
OF THE SKIN ENHANCEMENT CLAIM LIMITATION**

Defendant L'Oréal USA, Inc. ("L'Oréal USA"), by and through its undersigned counsel, hereby respectfully moves this Court pursuant to Federal Rule of Civil Procedure 56, to enter summary judgment of invalidity of claims 1, 3, 5-7, and 9 of U.S. Patent Nos. 6,423,327 and 6,645,513 as invalid under 35 U.S.C. § 112 ¶ 2 because the "skin enhancement claim limitation" is indefinite. The grounds for this motion are fully set forth in L'Oréal USA's opening brief and accompanying exhibits, and concise statement of facts, filed concurrently herewith.

Of Counsel:

Eric W. Dittmann
Isaac S. Ashkenazi
Nicholas A. Tymoczko
Karthik R. Kasaraneni
PAUL HASTINGS LLP
200 Park Avenue
New York, New York 10166
(212) 318-6000

Naveen Modi
Joseph E. Palys
PAUL HASTINGS LLP
2050 M Street N.W.
Washington, D.C. 20036
(202) 551-1700

Dennis S. Ellis
Katherine F. Murray
Serli Polatoglu
BROWNE GEORGE ROSS LLP
2121 Avenue of the Stars
Suite 2800
Los Angeles, California 90067
(310) 274-7100

Dated: September 11, 2020

/s/ Katharine L. Mowery

Frederick L. Cottrell, III (#2555)
Jeffrey L. Moyer (#3309)
Katharine L. Mowery (#5629)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 N. King Street
Wilmington, Delaware 19801
(302) 651-7700
cottrell@rlf.com
moyer@rlf.com
mowery@rlf.com

Attorneys for Defendant L'Oréal USA, Inc.